

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL KRAMER,)	
)	
Plaintiff,)	Civil Action No. 13-606
)	
v.)	
)	United States Chief District Judge Joy
THE CITY OF NEW KENSINGTON,)	Flowers Conti
THE NEW KENSINGTON POLICE)	
DEPT., ANTHONY GRILLO)	
in their individually and official)	United States Magistrate Judge
capacities, RUSSELL BAKER)	Cynthia Reed Eddy
in their individual and official capacities,)	
GARY SCHUBERT)	
in their individual and official capacities,)	
and WILLIAM WEBER)	
Arnold Police Dept.; in their individual)	
and official capacities,)	
)	
Defendants.)	

MEMORANDUM ORDER

JOY FLOWERS CONTI, United States Chief District Judge.

Plaintiff Michael Kramer (“Plaintiff”) is a *pro se* state prisoner who filed this civil rights suit pursuant to 42 U.S.C. § 1983 naming as defendants the City of New Kensington, the New Kensington Police Department, and its officers, Baker, Grillo and Schubert, as well as the Arnold Police Department officer, William Weber. Plaintiff’s amended complaint alleged violations of his rights under the Fourth, Eighth and Fourteenth Amendments to the United States Constitution. [ECF No. 39].

On September 25, 2015, this court granted in part and denied in part the Defendants’ motion for summary judgment. *See* Order of 9/25/2015 [ECF No. 103]. Concurrently, this court ordered Plaintiff to file a notice within thirty days of the entry of the court’s order, i.e. October 25, 2015, whether he intended to proceed against the New Kensington defendants with his claims

asserted under 42 U.S.C. § 1983 based upon the violation of his due process rights. *Id.* The court informed Plaintiff that the failure to do so would result in dismissal of those claims. *Id.* The court also allowed Plaintiff to submit a motion to seek additional discovery within thirty days of the Order -- October 25, 2015. *Id.* Instead of doing so, Plaintiff appealed this court's order to the Court of Appeals for the Third Circuit on October 9, 2015, opened at USCA Case Number 15-3455. *See* Notice of Appeal [ECF No. 104].

Thereafter, on November 24, 2015, Plaintiff filed multiple discovery motions seeking additional discovery [ECF No. 108], to take depositions [ECF No. 109] and a request for documents and electronically stored information [ECF No. 110].

Because this case is presently on appeal, the following Order is entered:

AND NOW, this 3rd day of December, 2015, IT IS HEREBY ORDERED that Plaintiff's motion to seek additional discovery [ECF No. 108], motion for leave to take oral deposition [ECF No. 109] and motion for leave to request for documents and electronically stored information [ECF No. 110] are denied without prejudice to resubmit following the disposition of the appeal;

IT IS FURTHER ORDERED that this case be marked CLOSED pending the resolution of the appeal.

By the court,

/s/ Joy Flowers Conti

The Honorable Joy Flowers Conti
United States Chief District Judge

cc: The Honorable Cynthia Reed Eddy
United States District Court
Western District of Pennsylvania

Michael Kramer
GH7068

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